UNITED STATES PATENT AND TRADEMARK OFFICE

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10/604,598	08/01/2003	Eric Schneider		1597

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 July 2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *29-46* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *29-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

DETAILED ACTION

1.   This Office Action is responsive to amendments filed 8/10/09 in Application No.

10604598 filed 6/19/03. New claims 29-46 were considered. They are improperly

labeled, as there are many claims which are not new but identical to the claims of

10/4/08, with merely dependencies changed.

Response to Amendment

2.   Rejections under 35 U.S.C. §§§§ 112, 101, 102, 103

        Applicant's arguments with respect to claims 5-16 and 18-28 have been

considered but are moot in view of the new ground(s) of rejection. Applicant has

replaced all the claims by new ones, so the arguments are not relevant.

Specification

3.   The amendment filed 7/8/09 is objected to under 35 U.S.C. 132(a) because it

introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment

shall introduce new matter into the disclosure of the invention. The added material

which is not supported by the original disclosure is as follows: narrowing of terms in

paragraph ¶ [0038] as supplied in 7/8/09 amendment

--As defined in Webster's Dictionary, an "interest" is a "money paid for the use of
money". However, the term "interest" or more specifically "account interest" can be
defined with respect to the present invention as to be inclusive of the following; "money
paid for the use of an amount that is not legal tender", "an amount that is not legal
tender paid for the use of money", and "an amount that is not legal tender paid for the
use of an amount that is not legal tender". The context of the term "use" is
applicable to money or an amount that is not legal tender that has been either saved or
spent corresponding to a customer account., deposited or withdrawn, etc.--

Applicant is required to cancel the new matter in the reply to this Office Action.

Examiner notes that *pro se* Applicant can have the effect he <u>apparently</u> desires

by putting his interest definition explicitly into the claims, i.e. the specification can say,

interest can mean A, B, C, D, and claim 29 can say [start of sentence] ...interest, where

interest is [C], ...[rest of sentence].

4.   Examiner also notes that the title and abstract of the Application as filed are not

reflected in the claims as amended.

Claim Rejections - 35 USC § 103

5.   Examiner notes that prior presented claims more closely represented what the

Examiner understands to be the inventive concept. Currently amended claims are

broader and prior art is appropriately applied.

6.   Claims 29-30, 40-42, and 45-46 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Savage et al. (US 20020026394 hereinafter Savage), and further in

view of Biffar (6047269).

Regarding claim 29, Savage teaches *in a device having access to one of a*

memory and storage with a program stored therein, said program adapted to update a

customer account balance, a method (see at least **Abstract**) *comprising:*

receiving at a first time in said memory a plurality of data elements having a first data element including a first amount and a second data element including a second time (see at least **Abstract, ¶ [0010]**)*; wherein said first data element corresponds to said second data element, said first time is later in time than said second time, and said first amount is said customer account balance* (see at least ¶ **[0011]**, **[0014]-[0015]**, including "a financial institution, such as bank, which issues credit cards, contracts with various companies to have all of their bill data delivered to the financial institution electronically. The financial institution stores the data at a customer level in its computer system. At the appropriate cycle time for a particular customer's account (i.e., the time at which the financial institution delivers a statement once a month to the customer), the financial institution's computer system automatically generates a combined statement and delivers it to the customer.)

Savage also teaches *[having a second amount] from said first amount, an interest rate, an interest type, and a difference between said first time and said second time* that the second amount is generated using a first amount, an interest rate, an interest type, and a difference between the times. Savage clearly is teaching a calculation involving interest, such as finance charges, which depends on an interest rate, and interest type (finance charge), and the billing cycle time (the difference between first and second time), see at least the abstract, "automatically assemble and aggregate account charges, such as usage charges, fees, finance charges, discounts, rebates and rewards, for the customer on the plurality of accounts").

Clearly Savage is teaching periodic balances, but does not specifically teach that the balances involved are selected from the group in the claim.

Biffar teaches *generating an updated customer account balance having a second amount… wherein said first amount and said second amount are selected from a group of amount types consisting of an amount of product, an amount of service, an amount of reward, an amount of points, an amount of time, an amount of space, an amount of distance, an amount of light, an amount of mass, an amount of volume, an amount of storage, an amount of bandwidth, and an amount of energy* (see at least **column 16 line 59-column 16 line 10**:

"For example when purchasing something a specialized merchant remote device could attach a receipt describing what has been purchased or attach loyalty bonus points… The data collected could be transferred via e-mail for example to the user on a regular basis or on-demand. Or the bonus points could be tracked in a separate bonus account, with monthly statements".

This establishes that loyalty points could be separately tracked in an account, hence first and second amounts could be loyalty points. At **column 20 line 14-19** it is established that other non-monetary amounts may be used, such as the claim's "amount of distance" or miles,:

" the payment system according to the invention includes the capability of being used as a multiple purpose system, for example, to manage loyalty programs such as frequent flier miles programs and to add other information and data to a voucher at a time of transaction such as coupons").

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the method as taught by Savage including generating an amount from another amount and interest and two times, the idea of having an account which represents miles as taught by Biffar to realize the claimed invention since the claimed

invention is merely a combination of old elements, and in the combination each element

merely would have performed the same function as it did separately, and one of

ordinary skill in the art would have recognized that the results of the combination were

predictable. (Please see KSR [127 S Ct. at 1739] "The combination of familiar elements

according to known methods is likely to be obvious when it does no more than yield

predictable results" and MPEP §2141 III (A)).

7.   Claims 29-30, 40-42, and 45-46 are alternatively rejected under 35 U.S.C. 103(a)

as being unpatentable over Savage et al. (US 20020026394 hereinafter Savage), and

further in view of Biffar (6047269), and further in view of Trivedi (7043480).

This rejection reads as above, but also includes the extra precision of Trivedi

column 6 lines 34-62:

"The billing unit 337 receives customer usage and performance data from
the data collection unit 336 and generates bills for the customer. The billing
unit 337 may be configured with a variety of rating rules and plans and may
provide mechanisms to manage and create rating plans. The rating rules may
include traditional telephony styled rating rules that include time-of-day,
day-of-week, distance-based, flat rate, non-recurring and recurring on a
definably regular basis, such as weekly, bi-weekly, monthly, etc. In an
exemplary implementation of the present invention, the billing unit 337 may
provide bonus points, airline miles and other incentives as part of the
rules-based rating and billing service.

The billing unit 337 may provide revenue and billing reports to
authorized parties. The billing unit 337 may further allow customers to access
previous invoices and view current charges not yet billed. In an exemplary
implementation consistent with the present invention, the billing unit 337 may
transfer rated events and summary records into other billing and revenue
systems. For example, billing unit 337 may receive and transfer billing
information or event information to a legacy billing system (i.e., an existing

billing system) that generates the actual bill. In alternative
implementations, billing unit 337 may provide hard copy bills and/or provide
electronic bills to a customer. In this implementation, billing unit 337 may
also be configured to perform electronic payment handling."

Trivedi specifically describes "a variety of rating rules and plans and may

provide mechanisms to manage and create rating plans", contrasting traditional rules

and incentives as apart of rule-based rating and billing service, including an interest

rate: "flat rate, non-recurring and recurring on a definably regular basis, such as

weekly, bi-weekly, monthly, etc" and the billing unit may "provide bonus points, airline

miles and other incentives as part of the rules-based rating and billing service". What

this adds to the previous rejection is an explicit statement that rating plans can be

created, such that the method allows definition of a rate, which includes the known

method "interest rate", allows choice of an interest type (non-recurring and recurring

on a definably regular basis), and also bills airline miles. Combined with Savage's

generalized billing methods an Biffars' reference to an account consisting only of

miles, Trivedi's mechanism to create rating plans completes beyond doubt Applicant's

idea of a definable rate of accumulation of an account consisting of an amount which

might be miles.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to include in the method as taught by the combination of Savage and Biffar

the created rating plans as taught by Trivedi to realize the claimed invention since the

claimed invention is merely a combination of old elements, and in the combination

each element merely would have performed the same function as it did separately, and

one of ordinary skill in the art would have recognized that the results of the combination

were predictable.

Claims 45 and 46 are rejected using the same art and rationales used to reject

claim 29.

Regarding claim 30, Savage teaches *wherein said receiving said plurality of data*

elements includes receiving said plurality of data elements from one of a data record,

computer readable medium, machine readable code, network resource redirection, and

input (see at least ¶ **[0015]**).

Regarding claim 40, Savage teaches *said generating said second amount*

includes automatically generating said second amount upon said receiving at said first

time in said memory said plurality of data elements (see at least **Abstract, ¶ [0015]**).

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Regarding claim 41, Savage teaches *said interest rate is one of a group*

consisting of a fixed rate interest and variable rate interest (see at least ¶ **[0002]**) *and*

said interest type is one of a group consisting of a simple interest, compound interest,

and continuous interest (see at least ¶ [0002]).

Regarding claim 42, Savage teaches *the amount of time between said first time and said second time corresponds to a billing period* (see at last **abstract, ¶ [0015]**).

8.   Claims 31, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savage et al. (US 20020026394 hereinafter Savage), and further in view of Biffar (6047269), and further in view of Iannacci (US 20020062249), or are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Savage et al. (US 20020026394 hereinafter Savage), and further in view of Biffar (6047269), and further in view of Trivedi (7043480), and further in view of Iannacci (US 20020062249).

Regarding claim 31, neither Savage nor Biffar nor Trivedi teaches it.

Iannacci teaches *updating said data record by replacing said first amount with said second amount and said second time with said first time* (see at least **¶ [0239], [0449],** and result of transaction appears on account statement **¶ [0448], [0449], and FIG.11**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the account method as taught by the combination of Savage and Biffar or by the combination of Savage, Biffar, and Trivedi the basic account updating as taught by Iannacci to realize the claimed invention since the claimed invention is merely a combination of old elements, and in the combination each element merely would have

performed the same function as it did separately, and one of ordinary skill in the art

would have recognized that the results of the combination were predictable.

Regarding claim 38 neither Savage nor Biffar nor Trivedi teaches it.

Iannacci teaches *said receiving said plurality of data elements from input*

includes inputting said plurality of data elements from a user interface element (see at

least ¶ [0126]).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to include in the account method as taught by the combination of Savage and

Biffar or by the combination of Savage, Biffar, and Trivedi the input as taught by

Iannacci to realize the claimed invention since the claimed invention is merely a

combination of old elements, and in the combination each element merely would have

performed the same function as it did separately, and one of ordinary skill in the art

would have recognized that the results of the combination were predictable.

Regarding claim 39 neither Savage nor Biffar nor Trivedi teaches it.

Iannacci teaches *said inputting said plurality of data elements from a user*

interface element further includes inputting said plurality of data elements into one of a

browser location field, text box, command line, speech to text interface, optical

recognition interface, and magnetic recognition interface (see at least ¶ [0126]).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to include in the account method as taught by the combination of Savage and

Biffar or by the combination of Savage, Biffar, and Trivedi the input as taught by

Iannacci to realize the claimed invention since the claimed invention is merely a

combination of old elements, and in the combination each element merely would have

performed the same function as it did separately, and one of ordinary skill in the art

would have recognized that the results of the combination were predictable.

9.   Claims 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Savage et al. (US 20020026394 hereinafter Savage), and further in view of Biffar

(6047269), and further in view of Riley (U.S. Patent Application Publication No.

2002/0077940 hereinafter referred to as Riley), or are alternatively rejected under 35

U.S.C. 103(a) as being unpatentable over Savage et al. (US 20020026394 hereinafter

Savage), and further in view of Biffar (6047269), and further in view of Trivedi

(7043480), and further in view of Riley (U.S. Patent Application Publication No.

2002/0077940 hereinafter referred to as Riley).

        Regarding claims 32 and 33, neither Savage nor Biffar nor Trivedi teaches them.

        Riley teaches *appending said second amount and said second time to said first*

data record (see at least ¶ **[0239]**, **[0449],** and result of transaction appears on account

statement ¶ **[0448], [0449], and FIG.11**) and *generating from said first data record, a*

second data record having said second amount and said second time (see at least **Fig.**

1, items 25 and 28).

        It would have been obvious to one of ordinary skill in the art at the time of the

invention to include in the account method as taught by the combination of Savage and

Biffar or by the combination of Savage, Biffar, and Trivedi these data manipulation

methods as taught by Riley to realize the claimed invention since the claimed invention

is merely a combination of old elements, and in the combination each element merely

would have performed the same function as it did separately, and one of ordinary skill in

the art would have recognized that the results of the combination were predictable.

Regarding claims 34 and 36, Savage teaches them at ¶ [0015].

Regarding claim 35, Savage teaches it at ¶ [0012].

Regarding claim 37, Savage teaches it at ¶ [0018].

10.   Claim 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Savage et al. (US 20020026394 hereinafter Savage), and further in view of Biffar

(6047269), and further in view of Maritzen (US 20020026423), or is alternatively

rejected under 35 U.S.C. 103(a) as being unpatentable over Savage et al. (US

20020026394 hereinafter Savage), and further in view of Biffar (6047269), and further in

view of Trivedi (7043480), and further in view of Maritzen (US 20020026423).

Regarding claim 43, neither Savage nor Biffar nor Trivedi teaches it.

Maritzen teaches *said first amount is of a first amount type and said second amount is of a second amount type* (see at least **claim 21, ¶ [0057]**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the account method as taught by the combination of Savage and Biffar or by the combination of Savage, Biffar, and Trivedi the types as taught by Maritzen to realize the claimed invention since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding claim 44, neither Savage nor Biffar nor Trivedi teaches it.

Maritzen teaches *generating said second amount includes consulting an amount type conversion table for converting said first amount type to said second amount type* (see at least **Abstract, ¶ [0034], [0042]**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the account method as taught by the combination of Savage and Biffar or by the combination of Savage, Biffar, and Trivedi the table lookup as taught by Maritzen to realize the claimed invention since the claimed invention is merely a combination of old elements, and in the combination each element merely would have

performed the same function as it did separately, and one of ordinary skill in the art

would have recognized that the results of the combination were predictable.

Conclusion

11.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

12.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINDA PERRY whose telephone number is (571)270-1466. The Examiner can normally be reached on M-F 8-5 alternate Fridays.

        If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle, can be reached on 571 272 6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Linda Perry/
Linda Perry
Examiner, Art Unit 3695

14 September 2009

/Charles R. Kyle/
Supervisory Patent Examiner, Art Unit 3695